

ROOSEVELT'S LIBEL CASE AGAINST THE WORLD THROWN OUT BY THE U. S. SUPREME COURT

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NIGHT
EDITION

The



The World.

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"Circulation Books Open to All."

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SIX LONDON "REDS" KILLED IN THRILLING BATTLE WITH POLICE

**Extraordinary Conflict Wages for
Hours Between Desperate Band
Besieged in House and Police,
Military and Firemen.**

LONDON, Jan. 3.—A street battle, thrilling as it was extraordinary, was waged for hours in the East End of London to-day, by a band of Anarchists against the combined forces of the police, troops and firemen of the city. A veritable storm of bullets showered the street. While the fighting was fiercest the houses in which the Anarchists were besieged suddenly burst into flames, which drove the desperadoes to the roof, from which they fought desperately until the top of the dwelling fell in, carrying them down to death in the flames. They perished jeering the police and troops and defying the laws of England.

More than 1,000 policemen and a big force of troops were held at bay for seven hours by the small band of Anarchists. When the fighting ceased at least six Anarchists lay dead in the ruins of their fortress, while a dozen policemen and civilians were wounded, three or four fatally. In addition scores of persons were injured by being caught in the street crush. Others were hurt escaping from burning buildings which had caught fire from the Anarchists' stronghold. Many women and children, occupants of these dwellings, were rendered helpless by the terrorizing roar of the guns and flames and had to be carried to safety by the firemen and police.

In addition to the above a number of firemen were injured in the collapse of the burning building.

All London at Scene.

Almost an entire block of buildings on Sydney street, where the fighting was waged, were either burned or menaced by the flames and for a time it seemed as though much of the district would be wiped out.

Practically all of London rushed to the scene and at least 50,000 persons were at one time packed in the immediate vicinity.

A flag of the battle field was lent to the scene by the presence of a corps of Red Cross nurses, summoned to attend to the wounded.

Home Secretary Churchill hurried to the district soon after the fighting began and repeatedly risked his life directing the attack on the anarchists and looking to the safety of the people endangered.

How the Battle Began.

The battle began when the police early to-day cornered two anarchists known as "Peter the Painter" and "Dutch Fritz," who were suspected of being implicated in the murder of three policemen a fortnight ago. The men were located in the building that was subsequently the fortress of the anarchists. A crowd was drawn around the entire block and the residents ordered from the houses.

While the police were taking their precautions the Anarchists, apprised of the fact that they had been trapped, deliberately opened fire with automatic pistols on the police. At the first volley a sergeant fell mortally wounded. The

FOG BOUND FLEETS REACH THEIR PIERS; COLD WAVE COMING

Mrs. Elsie Vanderbilt Among
Those Marooned Over 30
Hours on Priscilla.

PALL LIFTED SLOWLY.

Suburban Traffic Also Crippled
by Murk That Persisted
Since Sunday.

The gloomy pall of fog which had hung over the city since Sunday night, and a little at Hell Gate about 10 o'clock today under the pressure of a light northwest breeze, and the fleet of Sound steamers, which had been anchored off City Island, crept slowly to their piers, headed by the Priscilla of the Fall River line with a crowd of passengers who had been spending the holidays at country homes at Newport and other places in New England. This fleet reached the piers uniformly thirty hours late.

For a while about noon the gray blanket was whisked back again and the water trails were blinder than ever. Then the northwest wind freshened and the surface of the water became clear, though the clouds hung low over city and rivers. The big ocean fleet that was hanging around the outer anchorage under the Highlands moved slowly in. At of them discharged their passengers in the afternoon.

There is some probability, according to the weather bureau, that the fog will be followed by a visit from the blizzard which is raging through the south-west and Mississippi valley states. It is expected that it will become very cold to-night and that the moisture with which the air is filled will be turned to dense snow.

Ten or twelve big steamships were held last night in the grip of the fog outside Sandy Hook and in the lower bay. No ships tried to go out to sea between Sunday night and this afternoon.

Railroads Muddled, Too.

Ashore the railroads were nearly as muddled as the nautical craft, suburban traffic being almost entirely paralyzed. Hundreds about the rivers hopelessly off their schedules. In offices the lights were turned on as though it were dark and the shapes of the tall buildings loomed yellow through the fog.

People who intended to be prompt, slipped the ferry to-day. The boats which make the long trips, such as the Staten Island and the Thirty-ninth street ferries, were hopelessly irregular. One big municipal ferryboat to Thirty-ninth street, coming in two hours late, started off down the bay a little after 8 and had not been heard from at either end of her route an hour and a half later.

Not a single vessel was able to get up from Quarantine or Sandy Hook after the fog shut down. In the fleet that lay at the gates of the city were the Prinz Eitel Friedrich, the Furusewa from Glasgow, the Havana, the Minnewaska from London, the Hermodia, the Carolina, El Sol, El Porte, El Alba, the Proteus, the City of Savannah, the Jefferson, the Comanche and the Denver.

Portugal Orders Troops Held Ready for Action.

MADRID, Jan. 3.—A despatch from Vigo says that the garrison at Valencia do Minho, Portugal, has been assigned to barracks upon orders from Lisbon and ordered to be ready to move at a moment's notice.

Through were one hundred navy men stationed at Newport.

The Providence, which left Fall River a day later than the Priscilla, got to the pier at the same time. The Priscilla was not ready for a return trip at 2 P. M. She will be on her regular schedule to-morrow.

Mrs. Vanderbilt's automobile was at the Fall River pier. The chauffeur would not believe the officers of the line when they said that the boat was indefinitely delayed and that they would send him word by telephone when she started down. He bundled up in the car, and except for trips across West street for food and hot coffee, stayed at the pier for thirty hours.

Thousands on Pier All Night.

Eighteen hundred men, women and children went to the Fall River Line pier last evening to board the Priscilla on her scheduled run to Newport and Fall River. Fully a thousand of these remained on the pier all night. In the

U. S. SUPREME COURT QUASHES PANAMA SUIT AGAINST WORLD

**President Roosevelt's Message to Congress
Demanding Punishment of The World**

These stories * * * need no investigation whatever * * * they are in fact wholly and in form partly a libel upon the United States Government. * * *

The real offender is Mr. Joseph Pulitzer, editor and proprietor of The World. While the criminal offense of which Mr. Pulitzer has been guilty is in form a libel upon individuals, the great injury done is in blackening the good name of the American people.

IT SHOULD NOT BE LEFT TO A PRIVATE CITIZEN TO SUE MR. PULITZER FOR LIBEL. HE SHOULD BE PROSECUTED FOR LIBEL BY THE GOVERNMENT AUTHORITIES.

In point of encouragement of iniquity, in point of infamy of wrongdoing, there is nothing to choose between a public servant who betrays his trust, a public servant who is guilty of blackmail or theft, or public dishonesty of any kind and a man guilty as Mr. Pulitzer is in this instance.

It is therefore a high national duty to bring to justice this villifier of the American people, this man who wantonly and wickedly and without one shadow of justification seeks to blacken the character of reputable private citizens and to convict the Government of his own country in the eyes of the civilized world of wrongdoing of the basest and foulest kind, when he has not one shadow of justification of any sort or description for the charges he has made.

THE ATTORNEY-GENERAL HAS UNDER CONSIDERATION THE FORM IN WHICH THE PROCEEDINGS AGAINST MR. PULITZER SHALL BE BROUGHT.—Theodore Roosevelt, as President, in Message to Congress, Dec. 5, 1908.

AMERICAN WINS FOREIGN MARATHON IN RECORD TIME

Hans Holmer Outruns Twenty-
Six Men in Event at
Edinburgh.

EDINBURGH, Scotland, Jan. 3.—Hans Holmer, the American, won the professional Marathon on Powder Hall grounds to-day in the record time of 2 hours, 22 minutes and 21 seconds, defeating twenty-six runners of Continental and British fame.

The Frenchman, Honechard, led for fifteen miles in one hour, 21 minutes and 15 seconds. Holmer, running along 100 yards behind, the American took the lead in the nineteenth mile and passed Honechard at the twentieth mark, the time being one hour, 40 minutes and 29 seconds. From then on he ran as fast as the twenty-sixth mile and 58 yards Holmer held the lead, finishing three-quarters of a mile ahead of the French sprinter.

Hans Holmer is a Bronx boy. He showed remarkable form in all his races to this country. At the recent team races in Madison Square Garden he and Quail easily outclassed the team.

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SUBWAY SEAT FOR EVERY FARE IS IMPOSSIBLE

Interborough Claims There
Must Be Strap-Hangers Under
15 Minute Count.

The Public Service Commission to-day ordered a rehearing on the order recently adopted requiring the Interborough Rapid Transit Company to provide as many seats as there are passengers in the subway in every fifteen-minute interval, except during the rush hours, when the maximum possible service is to be given.

This order modified a previous order adopted last April, in which as many seats as passengers were required during each thirty-minute period.

The Interborough has sent a communication to the Commission refusing to accept the new order so far as the reduction of the period to fifteen minutes is concerned, and asking for a rehearing. The order reducing the period was adopted Dec. 28, and was to have gone into effect Dec. 28, but was postponed.

In the letter to the commission, which is dated Jan. 2, and is signed by T. P. Shreve, President of the Interborough, rehearing is asked upon the following grounds, among others:

"(a) That the terms of said order and the regulations therein attempted to be made are impossible of performance.

"(b) That said order makes no provision for the temporary prevention of this company from complying with said order by accident or other controlling emergency for which it is not responsible.

"(c) That said order deprives this company of the right of ownership and management and protection of its property and the property of others committed to its care.

"(d) That said order illegally substitutes the judgment of the Commission for the judgment of this company's directors with respect to the matters which it attempts to regulate.

"(e) That said order impairs the obligation of contracts to which this company is a party.

"(f) That the law under which said order is promulgated purports to act in an unconstitutional manner.

"(g) That the regulations attempted to be fixed and enforced by the order of the commission heretofore referred to are not, nor any of them, just nor reasonable.

The company has not yet made answer in the action recently begun by counsel for the commission for the collection of a penalty for failure to obey the order of the commission in not having supplied as many seats as there were passengers during the afternoon and evening of Sunday, Nov. 27, in each thirty-minute period. Under the statute the company may be fined up to \$5,000 a day for such disobedience.

FIVE TAMMANY SENATORS AMONG GRADY'S BACKERS

But They Won't Carry Fight
Beyond Caucus—Wagner
Sure, Says Murphy.

(Special from a Staff Correspondent.)

ALBANY, Jan. 3.—Thomas F. Grady arrived here to-day, full of fight and prepared to go into the Senate caucus to-night and urge his claims for the party leadership and temporary presidency. In his caucus Grady will have the support of Senators "Big Tim" Sullivan, Christie Sullivan, Thomas H. Cullen, James J. Frawley and The Manus.

These Tammany Senators told Murphy to-day that they would stand by Grady simply because of their long personal friendship for him. They will abide by the result of the caucus, however, and vote for the caucus nominee in the Senate.

Upon his arrival here, Senator Grady went to the Hampton Hotel where he held a conference with Senators Frawley, Sullivan, Cullen and others of his friends. When asked about his plans Grady replied:

"I have nothing to say. I will not even say whether I shall go into the caucus to-night."

The selection of Robert F. Wagner as temporary president is assured by a majority of nearly twenty votes. Charles F. Murphy made an announcement to this effect to-day. Patrick E. McCabe of Albany will be the choice for the caucus for Senate clerk and James McMahon, a Sullivan man of the Sixth Assembly District, will be sergeant-at-arms.

The Assembly caucus, which also meets to-night, will select Daniel D. Frawley as its candidate for Speaker and Luke McHenry of Oneida County as clerk.

Republicans in both Senate and Assembly will also caucus to-night. In the Senate Edgar Truman Brackett of Saratoga will be the "Old Guard" selection for minority leader and Assemblyman Edwin A. Merritt Jr. of St. Lawrence County will be made minority leader in the Lower House.

Tammany men to-day believe that Grady's insurgency will not extend beyond to-night's caucus. It is the intention of Senator Wagner to offer Grady the chairmanship of finance, provided such an appointment will not be distasteful to Gov. Dix. In the preliminary consideration of the makeup of committees, which will not be announced for a week, the Finance Committee is being held open for Grady. The chairmanship of cities, which Senator Cullen of Brooklyn had hoped to get, it is now said, will go to Frawley.

Highest Tribunal Upholds Decision of Judges Anderson and Hough, That the Case Did Not Come Within the Jurisdiction of U. S. Courts.

**A GREAT VICTORY WON
FOR FREEDOM OF PRESS**

A Mighty Triumph Over Most Wicked Attack Ever Made on the Press, Declares Lawyer Who Led the Fight Against the Government.

(Special to The Evening World.)

WASHINGTON, Jan. 3.—The indictment brought by the Federal Government through Theodore Roosevelt, then President of the United States, against the Press Publishing Company (New York World), for criminal libel in the so-called "Panama Canal case," was quashed to-day by the Supreme Court of the United States.

The Court upholds the decision of Circuit Court Judge Hough of New York and throws the entire libel proceeding out of court.

Chief Justice White, in announcing the opinion of the court, interpreted the statute under which the United States sought to prosecute to mean that it was to be applied to crimes committed on Federal reservation, when otherwise the criminal would go unwhipped of justice.

COURT'S OPINION.

Chief Justice White read the decision in part as follows:

"In view of the unity between the act of composing and the primary publication of a newspaper containing a libellous article within the State of New York, and of subsequent publication or repetitions thereof by the publisher of a newspaper which are clearly the result of the provisions of the laws of New York above quoted and referred to, two propositions are, we think, plainly established:

"First—That adequate means were afforded for punishing the circulation of a libel on a United States reservation by the State law and in the State courts without the necessity of resorting to the courts of the United States for redress.

"Second—That resort could not be had to the court of the United States to punish the act of publishing a newspaper libel by circulating a copy of a newspaper on the reservation upon the theory that such publication was an independent offense, separate and distinct from the primary printing and publishing of the libellous article within the State of New York, without disregard of the laws of that State and frustrating the plain purpose of such law, which was that there should be but a single prosecution and conviction."

Decision unanimous, all Judges concurring.

The indictments against The World were brought at the instigation of the then President Theodore Roosevelt because of statements published in The World reflecting upon the methods of this Government in its arrangements for buying out the old Panama Canal Company.

Judge Hough, in the Circuit Court of this district, upheld a demurrer to the indictments a little less than a year ago on the ground that if any ground for libel existed the action would lie properly within the jurisdiction of the courts of the State of New York.

In his decision Judge Hough suggested that the matter was one of such prime importance that the Supreme Court of the United States should pass upon it. In the face of the suggestion the Government was inactive in the direction of taking an appeal.

GOVERNMENT TOOK ITS TIME.

The World insisted that the case should go to the highest tribunal in the land in justice to the liberty of the press and the right of free speech. On the last day allowed by law for an appeal the Government, through the Attorney-General's office, formally appealed from Judge Hough's decision and brought the case before the Supreme Court of the United States.

De Lancey Nicoll, who argued the case for The World before the Circuit Court in this city, advanced his argument again before the Supreme Court last fall. His arguments were supplemented by those of John D. Lindsay, his associate.

The case for the Government was handled by George W. Wickersham, Attorney-General. In the original proceeding in the Circuit Court before Judge Hough the Government was represented by United States District-Attorney Henry A. Wise.

The original prosecution in this jurisdiction was printed in the Nation, at that time United States President took no action until after the election, when he instructed the Attorney-General to prosecute.

THE WORLD LED ALL OTHER
NEWSPAPERS IN 1910

1,546,897

individual advertisements were
printed in The World last year—

587,491 More

than any other New York
newspaper

131,800 More than The

World Printed in 1909

This establishes a new high
record never before equalled
or even approached by any
newspaper anywhere—not
even by The World itself.

Use World Ads. in 1911 for
RESULTS

(Continued on Second Page.)